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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,784	06/27/2003	Hiroko Uenaka	MAT-8429US	6472
23122	7590	11/01/2007		
RATNERPRESTIA			EXAMINER	
P O BOX 980			ZHAO, DAQUAN	
VALLEY FORGE, PA 19482-0980			ART UNIT	PAPER NUMBER
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			11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/607,784

Applicant(s)

UENAKA ET AL.

Examiner

Daquan Zhao

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 5, 6, 7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiba et al (US 6,542,695 B1), in view of Sodeyama et al (US 2002/0,191,951 A1), in view of Yamamoto (US 7,043,135 B2) and further in view of Makiba (US 6,275,450 B1).

Regarding claim 1, Akiba et al teach a video signal recording/playback apparatus comprising:

- a recorder for recording a video signal in a recording medium (e.g. figure 2, column 4, lines 30-52, recording signal processing system 2);
- a player for playing back said video signal at a playback position in said recording medium (e.g. figure 2, column 4, lines 30-52, the reproduction signal processing system 4) while said recorder

records a recording position of said video signal in said recording medium (e.g. column 4, lines 10-15, the recording and reproduction operation can be done simultaneously);

- a controller for calculating a time difference between said recording position and said playback position (e.g. column 7, lines 26-41, display the time difference between the video signal during the reproduction and the video signal during the recording);

Akiba et al fail to disclose an on-screen display (OSD) generator for generating and displaying a time value corresponding to said time difference with said played video signal, said OSD generator displaying said time value in only a unit of seconds if said difference is less than one minute, said OSD generator displaying said time value in only a unit of minutes if said difference is less than 60 minutes and not less than 60 seconds, and said OSD generator displaying said time value in only a unit of hours if said difference is not less than 60 minutes.

Sodeyama et al teach displaying the time in the unit of hour, minute and second (see figure 7, remaining time 78, and paragraph [0065], It can display "0:00:22"), which corresponds to displaying time in a unit of seconds if said time is less than one minute (e.g. according to figure 7, it can display "0:00:22"), displaying said time in a unit of minutes if said time is less than 60 minutes (e.g. according to figure 7, it can display "0:01:00") and not less than 60 seconds, and displaying said time in a unit of hours if said time is not less than 60 minutes (e.g. It can display 1:00:00).

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teaching of Sodeyama et al and the teaching of Akiba et al to display said time difference in a unit of seconds if time difference is less than one minute, display said time difference in a unit of minutes if said difference is less than 60 minutes and not less than 60 seconds, and display said time difference in a unit of hours if said difference is not less than 60 minutes to let the user easily know whether the indicated program is a currently-broadcasted program or a program represented by a signal reproduced from a recording medium.

Akiba et al and Sodeyama et al fail to specify the OSD.

Yamamoto teaches an on-screen display(OSD) generator for generating and display the OSD signal together with the video signal (e.g. column 2, lines 61-65). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Yamamoto into the teaching of Akiba et al and Sodeyama et al to vary the location of the OSD data and adjust the aspect ratio of the video image to increase the display variation and options to the user (e.g. Yamamoto, column 2, lines 56-65).

Akiba et al, Sodeyama et al, and Yamamoto fail to teach displaying the time in **only** a unit of seconds, minutes or hours. Makiba teaches displaying the time in **only** a unit of seconds, minutes or hours (e.g. column 10, lines 16-26, makiba teaches sub-systems displaying time in only seconds, minutes or hours). It would have been obvious to one ordinary skill in the art at the time the invention was made to have utilized the OSD generator of Yamamoto to display the time in only a unit of seconds,

minutes or hours as taught by Makiba in the combination of the system of Akiba et al, Sodeyama et al, and Yamamoto because the option of display the time on a screen is limited. One ordinary skill in the art can display the time in units of **Hours: minutes: seconds** just as taught by in figures 7-9 of Sodeyama et al. It is also a common sense to display the time in the units of **Hour: minutes**, such as 4:30 PM. Another option is to display time in the unit of hour only (see **Harrison US 5,748,568 for display a time in only the unit of hour**). Therefore, the display format of a time value does not make any patentable difference and it would have been obvious to one ordinary skill in the art to try the option of display the time in only the units of Hours, minutes, or seconds. (KSR: "obvious to try"- choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success).

Claims 5 and 11 are rejected for the same reasons as discussed in claim 1 above.

Regarding claim 2, Akiba et al teach produces a signal indicating said time difference based on a numeral indicating said time difference and a term meaning a difference (e.g. column 7, lines 26-40).

Regarding claims 3 and 7, Yamamoto teaches OSD generator produces a window displaying said time difference therein and combines said window with said played video signal (e.g. figure 2A, column 4, lines 36-44, OSD data 22 is displayed on the video display area 21, wherein the area for the OSD data 22 or the area 21 are considered to be a window).

Regarding claim 6, Sodeyama et al teach displaying the time in the unit of hour, minute and second (see figure 7, remaining time 78, and paragraph [0065], "0:34:22"), which corresponds to displaying time in a unit of seconds if said time is less than one minute (e.g. according to figure 7, it can display "0:00:22", claim does not omit the unit of hour and the unit of minute), displaying said time in a unit of minutes if said time is less than 60 minutes (e.g. according to figure 7, it can display "0:01:00", claim does not omit the unit of hour and the unit second) and not less than 60 seconds, and displaying said time in a unit of hours if said time is not less than 60 minutes (e.g. claim does not omit the unit of minutes and the unit of second).

For claim 9, Sodeyama et al teach the whole data amount varies (e.g. the whole data amount varies because the data amount depends on how much time the user is using the video camera to record video).

3. Claims 4,8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiba et al (US 6,542,695 B1), Sodeyama et al (US 2002/0,191,951 A1), Yamamoto (US 7,043,135 B2) and Makiba (US 6,275,450) as applied to claims 1, 2, 3, 5, 6, 7, 9 and 11 above, and further in view of Goto et al (US 7,218,837 B2).

See the teaching of Akiba et al, Sodeyama et al, Yamamoto and Makiba.

Regarding claims 4 and 8, Akiba et al, Sodeyama et al, Yamamoto and Makiba fail to teach OSD generator produces a meter for indicating a recording time of said video signal, a marking for indicating said recording position of said video signal, and a marking for indicating said playback position of said video signal which all are displayed

in said window. Goto et al teach teach OSD generator produces a meter for indicating a recording time of said video signal, a marking for indicating said recording position of said video signal, and a marking for indicating said playback position of said video signal which all are displayed in said window (e.g. figure 4, column 11, lines 1-32, record position mark "F" and playback position mark "B"). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Goto et al into the teaching of Akiba et al, Sodeyama et al, yamamoto and Makiba to let the user easily know whether the indicated program is a currently-broadcasted program or a program represented by a signal reproduced from a recording medium (Goto et al, column 1, lines 50-55).

For claim 12, Goto et al teach a network interface for receiving a video signal and a whole data amount of said video signal from an external apparatus through a network (Goto et al teach an interface between the broadcast sation and the recording apparatus in figure 7).

For claim 10, Goto et al teach external apparatus records said video signal, stores a predetermined recording time of said video signal, and deletes a time of said video signal which exceeding said predetermined time, wherein said network I/F receives a latest whole data amount of said video signal from said external apparatus, and wherein said controller calculates a time difference between said end of said video signal and said current playback position based on said latest whole data amount (e.g. column 19, line 52- column 20, line 3).

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Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

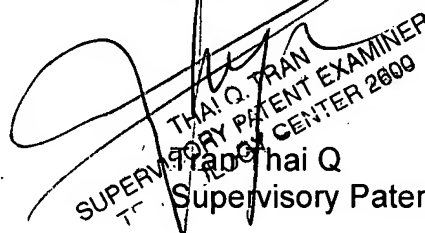
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing data of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing data of this action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period. Then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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